

Assistant Chief, Legal Division, Department of Transportation

California State Personnel Board Specification

- **Schematic Code:** 0030
- **Class Code:** 5786
- **Established:** 08/08/1963
- **Revised:** 04/17/1984
- **Title Changed:** 07/01/1973

Definition

Under direction, either to (1) coordinate on a statewide basis, one or more complex, and major specialized areas of the legal work in the Legal Division, Department of Transportation, or (2) have statewide responsibility for the Department's legislative program; to be responsible for the work of a group of attorneys; and to do other related work.

Typical Tasks

On a statewide basis an Assistant Chief is responsible for standards and coordination of the work in assigned major legal specialty areas; reviews opinions, briefs, pleadings, trial memoranda and other legal matters prepared in his/her own and other offices and makes suggestions for possible improvements; keeps informed in a special field through reading of all related court decisions, statutes, pleadings, memoranda and briefs; informs the various offices of the Division of legal views, opinions, court proceedings, and advice given in his/her assigned field by memoranda, conferences, and other methods; seeks out phases of the legal work performed that might result in divergence of opinion or action and notifies those concerned; maintains a file on progress of work in the legal field to which he/she is assigned for the offices of the Division; occasionally consults with the Chief and heads of the various offices of the Division on coordination problems.

In an office of the Legal Division, an Assistant Chief is responsible for the work in one or more assigned specialty legal areas; directs the writing of, reviews, and approves opinions and trial memoranda before they are submitted to the head of the office; occasionally tries the most complex cases in his/her assigned legal field in the appropriate courts; attends various divisional conferences and assists in formulating policies and procedures for the Division; confers with departmental officials on legal matters; trains and evaluates the performance of personnel and takes or recommends appropriate action; writes periodical progress reports; acts for the head of the office as assigned.

Minimum Qualifications

Membership in The State Bar of California. (Applicants must have active membership in The State Bar before they will be eligible for appointment.) and Either I One year of experience performing duties of Deputy Attorney III, Department of Transportation, in the California state service.

OR II

Broad and extensive legal experience (more than five years) in the practice of law* in connection with the acquisition of property for the construction, operation or maintenance of works for public use, of which at least two years must have involved the handling of legal matters of the highest degree of difficulty and responsibility.

Knowledge and Abilities

Knowledge of: Federal Highways Act and other Federal aid statutes relating to highways; California law relating to acquisition, financing, administration, and construction of toll bridges; law governing the relations of the Department of Transportation with public utilities, public agencies and the relocation of utility facilities;

California law relating to the tort liability of the Department, its agencies, commissions, officers and employees and the pertinent claim statutes and procedures; rules of evidence and conduct of proceedings in trial and appellate courts in California and the United States and before administrative bodies; principles of supervision; legal principles and practices with particular reference to the law of contracts, torts, real property, eminent domain, claims against public bodies, utility relocations, and laws governing public officers and agencies and their liabilities; State Contract Act and the statutes and constitutional provisions governing the organization and conduct of the work of the Department of Transportation; work of preparing and revising legislation and of the legislative process; law relating to public highways; Department's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives.

Ability to: Plan and direct the activities of a staff of attorneys; analyze and appraise difficult and complex legal problems and apply legal principles and precedents to particular sets of facts; give advice and assistance as a consultant and coordinator in a particular field of law; analyze and draft proposed legislative measures; write clear and concise reports and opinions and dictate difficult legal correspondence; present oral statements of fact, law and agreement clearly and logically; address an audience effectively; maintain the confidence and respect of members of the legal profession and other officials and persons; effectively contribute to the Department's affirmative action objectives.

Special Personal Characteristics

A high degree of skill in preparing and conducting actions and proceedings before courts and administrative bodies, in handling and directing the appeals in the courts of appeal, and in appearing before legislators and legislative committees.

* Experience in the "practice of law" or "performing legal duties" or "legal experience" is defined as only that legal experience acquired after admission to The Bar.

Updated 6/3/2012